

***APPENDIX B***  
***ENDANGERED SPECIES ACT COORDINATION***

1. February 27, 2004 species list request to U.S. Fish and Wildlife Service
2. February 27, 2004 species list request to NOAA Fisheries
3. March 24, 2004 species list from NOAA Fisheries
4. April 9, 2004 species list from U.S. Fish and Wildlife Service



# United States Department of the Interior

## BUREAU OF RECLAMATION

Pacific Northwest Region

Lower Columbia Area Office

825 NE Multnomah Street, Suite 1110

Portland, Oregon 97232-2135

IN REPLY REFER TO:

LCA-6500

ENV-7.00

February 27, 2004

To: State Supervisor, U.S. Fish and wildlife Service, Oregon State Office, 2600 S.E. 98<sup>th</sup>  
Avenue, Suite 100, Portland, OR 97266  
Attn: Kemper M. McMaster

From: Karen A. Blakney *Karen A. Blakney*  
ESA Program Manager

Subject: Request for List of Threatened and Endangered Species Under the Endangered  
Species Act for the Proposed Larson Creek Fish Passage Project

The Bureau of Reclamation's Water Conservation Field Services Program is proposing to contribute funds to the Larson Creek Fish Passage Project in Medford, Oregon. The Larson Creek Drainage is a tributary of Bear Creek in the Rogue River Basin. The project would replace two sections of open canal with approximately 10,200 feet of buried pipeline, restore a section of the creek bed which will no longer be used to deliver Project water after the completion of the pipeline, and eliminate three fish passage barriers.

As part of Reclamation's National Environmental Policy Act compliance procedure, we are formally requesting information on any listed and/or proposed endangered and threatened species that may be present in the project area, as required by the Federal Endangered Species Act (ESA) of 1973. We request that your species list cover the townships below:

Jackson County, Oregon      T37S: R1W S33

We would appreciate receiving the ESA species list at your earliest convenience. Please send your response and any other correspondence related to this project to me at the above address. You should contact Ms. Tanya Sommer at 503-872-2846 if you have any questions regarding this project.



IN REPLY REFER TO:

LCA-6500  
ENV-7.00

## United States Department of the Interior

### BUREAU OF RECLAMATION

Pacific Northwest Region  
Lower Columbia Area Office  
825 NE Multnomah Street, Suite 1110  
Portland, Oregon 97232-2135

February 27, 2004

Mr. Michael P. Tehan  
Chief, Oregon State Branch  
Habitat Conservation Division  
NOAA Fisheries  
525 N.E. Oregon Street, Suite 500  
Portland, OR 97232-2737

Subject: Request for List of Threatened and Endangered Species Under the Endangered Species Act for the Proposed Larson Creek Fish Passage Project

The Bureau of Reclamation's Water Conservation Field Services Program is proposing to contribute funds to the Larson Creek Fish Passage Project in Medford, Oregon. The Larson Creek Drainage is a tributary of Bear Creek in the Rogue River Basin. The project would replace two sections of open canal with approximately 10,200 feet of buried pipeline, restore a section of the creek bed (which will no longer be used to deliver Project water after the completion of the pipeline), and eliminate three fish passage barriers.

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Sincerely,

Karen A. Blakney  
ESA Program Manager



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
525 NE Oregon Street  
PORTLAND, OREGON 97232-273

Reply to:  
OHB2004-0074

March 24, 2004

Karen A. Blakney  
ESA Program Manager  
Bureau of Reclamation  
Pacific Northwest Region  
825 NE Multnomah Street, Suite 1110  
Portland, OR 97232-2135

Re: Species List Request for Larson Creek, Jackson County, OR

BUREAU OF RECLAMATION OFFICIAL FILE COPY			ACTION MADE BY
MAR 29 '04			
TO	INIT	DATE	
6500	KAB	3/30/04	
6502	(Signature)	4/5/04	
FILE			

Dear Ms. Blakney:

This responds to your February 27, 2004, letter requesting a list of threatened and endangered species within Larson Creek, near the town of Medford, Oregon. This inventory only includes species under NOAA's National Marine Fisheries Service's (NOAA Fisheries) jurisdiction that occur in the Pacific Northwest. The U.S. Fish and Wildlife Service should be contacted regarding the presence of species falling under its jurisdiction.

One listed anadromous fish species is known to be present in the proposed action area. NOAA Fisheries listed Southern Oregon/Northern California (SONC) coho salmon as threatened under the Endangered Species Act (ESA) on May 6, 1997 (62 FR 24588). Interim protective regulations for SONC coho salmon were issued under section 4(d) of the ESA on July 18, 1997 (62 FR 38479). The lower reaches of Larson Creek are identified as spawning and rearing habitat for SONC coho salmon.

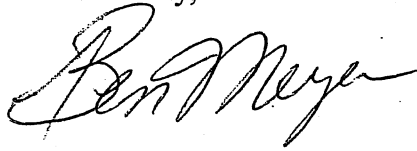
Because this species is present in the project area, any Federal permitting agency involved in this project will need to initiate the consultation process with NOAA Fisheries as per 50 CFR Part 402.10. Please refer to the ESA section 7 implementing regulations (50 CFR Part 402) for information on the consultation and conference process.

The project area is also designated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (PL 104-297), as essential fish habitat (EFH) for coho salmon and chinook salmon. Federal consultation requirements exist for these species under the MSA, pursuant to section 305 (b) and (16 USC 1855 (b)), which requires development of conservation recommendations for proposed activities that may adversely affect designated EFH.



This letter constitutes the required notification of the presence of a federally-listed threatened or endangered species or critical habitat under NOAA Fisheries' jurisdiction in the permit area that may be affected by the proposed project. Questions regarding this letter should be directed to Ken Phippen of my staff in the Oregon Habitat State Office at 541.957.3385.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Meyer". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.A handwritten signature in black ink, appearing to read "Michael P. Tehan". The signature is more compact and formal than the one above, with a clear initial "M" and a distinct "P".

Michael P. Tehan  
Director, Oregon State Habitat Office  
Habitat Conservation Division



## United States Department of the Interior



### FISH AND WILDLIFE SERVICE

Oregon Fish and Wildlife Office

2600 SE 98th Avenue, Suite 100

Portland, Oregon 97266

Phone: (503) 231-6179 FAX: (503) 231-6195

Reply To: 8330.02031 (04)  
File Name: Sp0203.wpd  
TS Number: 04-1769

Karen Blakney  
U.S. Bureau of Reclamation  
825 NE Multnomah Street, Suite 1110  
Portland, Oregon 97232-2135

Subject: Larson Creek Fish Passage Project  
USFWS Reference # (1-7-04-SR-0203)

BUREAU OF RECLAMATION OFFICIAL FILE COPY			ACTION MADE BY
TO	INIT	DATE	
		APR 12 2004	

APR 9 2004

Dear Ms. Blakney:

This is in response to your letter, dated March 1, 2004, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Larson Creek Fish Passage Project in Jackson County. The Fish and Wildlife Service (Service) received your correspondence on March 1, 2004.

We have attached a list (Enclosure A) of threatened and endangered species that may occur within the area of the Larson Creek Fish Passage Project. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). U.S. Bureau of Reclamation (BR) requirements under the Act are outlined in Enclosure B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, BR is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Enclosure B, as well as 50 CFR 402.12.

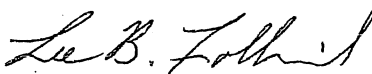
If BR determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, BR is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

Enclosure A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published June 13, 2002, in the Federal Register (Vol. 67, No. 114, 40657) and the addition of "species of concern." Candidate species have no protection under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, BR is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends addressing potential impacts to these species in order to prevent future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, BR may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages BR to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Kevin Maurice at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact NOAA Fisheries, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

Sincerely,

  
for Kemper M. McMaster  
State Supervisor

Enclosures  
1-7-04-SP-0203

cc: Nongame, Oregon Department of Fish and Wildlife, Salem, Oregon.

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,  
CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE  
AREA OF THE LARSON CREEK FISH PASSAGE PROJECT  
1-7-04-SP-0203

LISTED SPECIES<sup>1/</sup>

Birds

Bald eagle <sup>2/</sup>	<i>Haliaeetus leucocephalus</i>	T
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Fish

Coho salmon (N. Calif. Coast) <sup>3/</sup>	<i>Oncorhynchus kisutch</i>	**T
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Invertebrates

Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T
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Plants

Gentner mission-bells <sup>4/</sup>	<i>Fritillaria gentneri</i>	E
Large-flowered wooly meadowfoam <sup>5/</sup>	<i>Limnanthes floccosa</i> ssp. <i>grandiflora</i>	E
Cook's lomatium <sup>5/</sup>	<i>Lomatium cookii</i>	E

PROPOSED SPECIES

None

CANDIDATE SPECIES<sup>6/</sup>

Birds

Streaked horned lark	<i>Eremophila alpestris strigata</i>
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SPECIES OF CONCERN

Mammals

Pallid bat	<i>Antrozous pallidus pacificus</i>
Pacific western big-eared bat	<i>Corynorhinus (=Plecotus) townsendii townsendii</i>
Silver-haired bat	<i>Lasionycteris noctivagans</i>
Long-eared myotis (bat)	<i>Myotis evotis</i>
Fringed myotis (bat)	<i>Myotis thysanodes</i>



Long-legged myotis (bat)  
Yuma myotis (bat)

*Myotis volans*  
*Myotis yumanensis*

### Birds

Tricolored blackbird  
Band-tailed pigeon  
Olive-sided flycatcher  
Yellow-breasted chat  
Acorn woodpecker  
Lewis' woodpecker  
Oregon vesper sparrow  
Purple martin

*Agelaius tricolor*  
*Columba fasciata*  
*Contopus cooperi* (=borealis)  
*Icteria virens*  
*Melanerpes formicivorus*  
*Melanerpes lewis*  
*Poocetes gramineus affinis*  
*Progne subis*

### Amphibians and Reptiles

Northwestern pond turtle  
Common kingsnake  
California mountain kingsnake  
Northern red-legged frog  
Foothill yellow-legged frog

*Emys* (=Clemmys) *marmorata marmorata*  
*Lampropeltis getula*  
*Lampropeltis zonata*  
*Rana aurora aurora*  
*Rana boylei*

### Fish

Pacific lamprey  
Coastal cutthroat trout (S. OR/CA Coasts)

*Lampetra tridentata*  
*Oncorhynchus clarki clarki*

### Invertebrates

Franklin's bumblebee  
Siskiyou chloealtis grasshopper

*Bombus franklini*  
*Chloealtis aspasma*

### Plants

White meconella  
Detling's microseris  
Coral seeded allocarya

*Meconella oregana*  
*Microseris laciniata* ssp. *detlingii*  
*Plagiobothrys figuratus* ssp. *corallicarpus*

(E) - Listed Endangered  
(PE) - Proposed Endangered  
(S) - Suspected

(T) - Listed Threatened  
(PT) - Proposed Threatened  
(D) - Documented

(CH) - Critical Habitat has been designated for this species  
(PCH) - Critical Habitat has been proposed for this species

Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

\*\* Consultation with National Marine Fisheries Service may be required.

U. S. Department of Interior, Fish and Wildlife Service, October 31, 2000, Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12

- <sup>2/</sup> Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle
- <sup>1/</sup> Federal Register Vol. 57, No. 10, January 15, 1992, Final Rule-Critical Habitat for the Northern Spotted Owl
- <sup>4/</sup> Federal Register Vol. 62, No. 87, May 6, 1997, Final Rule-Coho salmon
- <sup>3/</sup> Federal Register Vol. 64, No. 237, December 10, 1999, Final Rule -*Fritillaria gentneri*
- <sup>6/</sup> Federal Register Vol. 67, No.216, November 7, 2002, Final Rule - *Lomatium cookii* and *Limnanthes floccosa* ssp. *grandiflora*
- <sup>7/</sup> Federal Register Vol. 67, No. 114, June 13, 2002, Notice of Review - Candidate or Proposed Animals and Plants

FEDERAL AGENCIES RESPONSIBILITIES UNDER SECTION 7(a) and (c)  
OF THE ENDANGERED SPECIES ACT

**SECTION 7(a)-Consultation/Conference**

Requires:

- 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
- 2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of Critical Habitat. The process is initiated by the Federal agency after they have determined if their action may affect (adversely or beneficially) a listed species; and
- 3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed Critical Habitat.

**SECTION 7(c)-Biological Assessment for Major Construction Projects<sup>1</sup>**

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify proposed and/or listed species which are/is likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should: (1) conduct an on-site inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or for potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within FWS, National Marine Fisheries Service, State conservation departments, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not a listed species will be affected. Upon completion, the report should be forwarded to our Portland Office.

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<sup>1</sup>A construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332. (2)c). On projects other than construction, it is suggested that a biological evaluation similar to the biological assessment be undertaken to conserve species influenced by the Endangered Species Act.